

1 AMELIA ANN ALBANO, CITY ATTORNEY
(SBN 103640)
2 CAROL A. HUMISTON, SR. ASST. CITY
ATTORNEY, (SBN 115592)
3 OFFICE OF CITY ATTORNEY
CITY OF BURBANK
4 275 East Olive Avenue
P. O. Box 6459
5 Burbank, CA 91510
Tel: (818) 238-5707 Fax: (818) 238-5724
6

FILED FEE EXEMPT PURSUANT TO
CITY ATTORNEY GOVERNMENT CODE § 6103

2012 MAY 31 PM 4:27

7 LINDA MILLER SAVITT, SBN 94164
E-mail: LSavitt@brgslaw.com
8 BALLARD ROSENBERG GOLPER & SAVITT, LLP
500 North Brand Boulevard, 20th Floor
9 Glendale, CA 91203
Tel: (818) 508-3700, Fax: (818) 506-4827
10

11 RONALD F. FRANK (SBN 109076)
E-mail: rfrank@bwslaw.com
12 ROBERT J. TYSON (SBN 187311)
E-mail: rtyson@bwslaw.com
13 BURKE, WILLIAMS & SORESENSEN, LLP
444 S. Flower Street, 24th Floor
14 Los Angeles, CA 90071
Tel: 213-236-0600 Fax: 213-236-2700
15

16 Attorneys for Defendant City of Burbank
17

18 SUPERIOR COURT OF THE STATE OF CALIFORNIA
19 COUNTY OF LOS ANGELES

20 WILLIAM TAYLOR,
21 Plaintiff,
22 v.
23 CITY OF BURBANK and
DOES 1 through 100, inclusive,
24 Defendants.
25
26
27
28

Case No. BC 422252
Assigned to: Hon John L. Segal, Dept. 50

**DEFENDANT CITY OF BURBANK'S
NOTICE OF LODGING REDACTED
CERTIFIED CRIMINAL CASE FILES
FOR JUROR NO. 7**

DATE: June 6, 2012
TIME: 8:30 a.m.
DEPT: 50

Trial Date: March 5, 2012
Action Filed: Sept. 22, 2009

1 TO THIS HONORABLE COURT, PLAINTIFF AND HIS COUNSEL OF RECORD:

2 Please take notice that Defendant City of Burbank ("Defendant") hereby lodges the
3 following documents with respect to Defendant's Motion for New Trial and its previously filed
4 Request for Judicial Notice as follows:

5 1. The case file for Los Angeles Superior Court Case No. 9WA14122 relating to
6 Juror No. 7. A true and correct certified copy of the file for Case No. 9WA14122 is attached as
7 Exhibit A to the concurrently filed declaration of Federico Lozada Jr. Juror No. 7's name and
8 date of birth have been redacted from the copy lodged with the Court, but an unredacted copy is
9 being served on Plaintiff's counsel as we did with the original moving papers. This exhibit
10 includes the criminal Complaint bearing a file stamp of November 24, 2009 for three
11 misdemeanor counts, including a drug charge and driving with a suspended license, and a
12 meeting sheet showing attendance at 11 session of Narcotics Anonymous or Alcoholics
13 Anonymous.

14 2. The case file for Los Angeles Superior Court Case No. 1WA12029 relating to
15 Juror No. 7. A true and correct certified copy of the file for Case No. 1WA12029 is attached as
16 Exhibit B to the concurrently filed declaration of Federico Lozada Jr. Juror No. 7's name and
17 date of birth have been redacted from the copy lodged with the Court, but an unredacted copy is
18 being served on Plaintiff's counsel as we did with the original moving papers. This exhibit
19 includes the criminal Complaint bearing a file stamp of July 13, 2011 for the misdemeanor of
20 driving with a suspended license. It also includes a Notice of Delinquency for non-payment of a
21 fine that was apparently pending during the trial of the *Taylor v. Burbank* case. Also included at
22 page B-7 is a letter dated August 4, 2011 from Aramark explaining why one of its employees was
23 not present for a court hearing. Juror No. 7 stated in voir dire that she was employed as an
24 executive chef by Aramark [1 RT at p. 20].

25 3. The case file for Los Angeles Superior Court Case No. 0WA13455-01 relating to
26 Juror No. 7. A true and correct certified copy of the file for Case No. 0WA13455-01 is attached
27 as Exhibit C to the concurrently filed declaration of Federico Lozada Jr. Juror No. 7's name and
28 date of birth have been redacted from the copy lodged with the Court, but an unredacted copy is

1 being served on Plaintiff's counsel as we did with the original moving papers. This Case includes
2 the criminal Complaint bearing a file stamp of November 1, 2010 for the misdemeanor of driving
3 with a suspended license.

4 As described in the Declaration of Federico Lozada Jr., the First Legal attorney service
5 personnel at the direction of the City's trial counsel has been attempting to secure these certified
6 copies since April 30, 2012 from the Airport Courthouse, with 2-3 times weekly follow-up and
7 in-person visits to the clerk at that courthouse where the criminal files were being stored. The
8 records of the 3 criminal case files first requested from the Airport courthouse on April 30 finally
9 were collected from that courthouse on Tuesday May 29, a month after they were first requested,
10 despite due vigilance and reasonable requests both in person and by phone to the clerical staff at
11 that courthouse. This explains why the certified copies of those publically available case files
12 were not submitted to the Court earlier.

13
14 BURKE, WILLIAMS & SORENSEN, LLP
Ronald F. Frank

15
16 By: 

Ronald F. Frank
Attorneys for Defendant
City of Burbank

PROOF OF SERVICE BY OVERNIGHT DELIVERY

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 444 South Flower Street, Suite 2400, Los Angeles, California 90071-2953. On May 30, 2012, I deposited with Overnite Express, a true and correct copy of the within documents:

DEFENDANT CITY OF BURBANK'S NOTICE OF LODGING REDACTED
CERTIFIED CRIMINAL CASE FILES FOR JUROR NO. 7 in a sealed envelope, addressed as follows:

Gregory W. Smith, Esq.
Law Offices of Gregory W. Smith
9100 Wilshire Blvd., Suite 345E
Beverly Hills, CA 90212

Christopher Brizzolara, Esq.
1528 16th Street
Santa Monica, CA 90404

Linda Miller Savitt, Esq.
Phillip L. Reznik, Esq.
Ballard Rosenberg Golper &
Savitt, LLP
500 North Brand Boulevard
20th Floor
Glendale, CA 91203-9946

Amelia Ann Albano, City
Attorney
Carol A. Humiston, Sr. Asst.
City Attorney
275 East Olive Avenue
Post Office Box 6459
Burbank, CA 91510

Following ordinary business practices, the envelope was sealed and placed for collection by Overnite Express on this date, and would, in the ordinary course of business, be retrieved by Overnite Express for overnight delivery on this date.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on May 30, 2012, at Los Angeles, California.

Theresa Nevarez



40349-002746-V10

Next Day Overnite -- P

Zone:560

Bill To:40349 **Date:** 5/30/2012

From:Ronald F. Frank

Burke, Williams & Sorensen, LLP

444 South Flower Street

Ste:2400

Los Angeles , CA 90071

2132360600



Billing Reference:06147-0015

To:Carol A. Humiston

City of Burbank

275 East Olive Avenue

Ste:

Burbank , CA 91510

8182385707

SPECIAL INSTRUCTIONS:

Number of Pieces: 1

OVERNITE

Please fold this page in half and place it in the pouch on your shipment. Only the original copy is accepted by Norco Overnite.

WARNING: Use only the printed label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with cancellation of your Norco Overnite account or OverniteShip Online Profile. Shipments with invalid account or credit card numbers will not be delivered.